

**PESTICIDE USE ENFORCEMENT PROGRAM
ENFORCEMENT WORK PLAN**

**NAPA COUNTY
AGRICULTURAL COMMISSIONER'S OFFICE**

**2010 – 2013
Revised December 2009**

COUNTY PROGRAM OVERVIEW

County Resources

The Napa County Agricultural Commissioner's Office (CAC) has ten Agricultural Biologists and one Deputy Agricultural Commissioner that actively work in the pesticide use enforcement (PUE) program. Some biologists primarily work on the issuance of operator identification numbers (Op ID's) and restricted material permits (RMP's), while others conduct a wider variety of activities including inspections, investigations and outreach. Overall, including management, 7.6 full-time equivalent staff members work in the program.

Workload

In 2008-2009, biologist staffing returned to near normal following maternity and medical leave for three staff members in 2007-2008. There was a total of 149 records inspections conducted in 2008-2009, an increase of 40 inspections as compared to 2007-2008. 100 Application inspections were conducted in 2008-2009, slightly less than the 106 conducted in 2007-2008. Overall inspections numbers were up.

Light Brown Apple Moth continues to spread throughout the County and pulls resources from the PUE program. Currently there are 31,754 vineyard acreages in the County under quarantine for LBAM, which is 74% of all planted acreage. There are 378 growers within the quarantine area and 1,788 Compliance Agreements (CA's) have been issued. Ag biologists were involved with issuing CA's in May and June 2009, and staffed eight different LBAM informational meetings for growers and landscapers in June. These activities during the middle of winegrape mildew spray season limited ag biologist presence in the field for random PUE inspections. The quarantine boundaries will spread further in 2010 and at this time the impact on the PUE program cannot be determined.

In September 2009, European Grapevine Moth (EGVM) was discovered in Napa County, the first such discovery in North America. It is not known at this time what regulatory restrictions will be imposed by USDA and CDFA and what impact that will have on staffing to conduct pesticide activities. More will be determined in the Spring of 2010.

In 2008-2009, 124 RMP's and 782 Op ID's were issued, and 125 agricultural use notices of intent (NOI's) were reviewed. In 2009-2010, outreach to growers and pest control businesses will continue in both English and Spanish. Due to the overwhelming demand, we will once again hold three continuing education classes in Spanish, with two offered for English speaking applicators.

A. RESTRICTED MATERIAL PERMITTING

Permit Evaluation

The Napa CAC takes the issuance of restricted material permits seriously. During the issuance process, agricultural biologists work with growers and representatives of agricultural pest control businesses (PCB) to assess the need for the use of restricted materials. Permit applicants will be asked to communicate what additional mitigation measures they considered to reduce the risks of the use of a restricted material and what alternative treatment options they considered for sites adjacent to environmentally sensitive areas or schools, residential areas, etc. When a permit is denied because a grower did not consider mitigation measures or alternate treatments, a permit denial is logged. Twelve permits were denied in 2008-2009.

RMP's are only issued to individuals that maintain valid certified applicator cards or licenses (Qualified Applicator License, Qualified Applicator Certificates and Private Applicator Certificates). Permit conditions for individual restricted materials are reviewed with growers, and a handout of the particular information and NOI procedures is provided. The fact that permit conditions were reviewed with the grower or business representative is noted on the permit in the "conditions" section. In Napa County, RMP's are issued for a period of one year. In Napa County, restricted materials that are often added to RMP's include aluminum phosphide, strychnine, 2,4-D, 1,3- dichloropropene, and paraquat.

Hay and pasture growers are cautioned about the use of 2,4-D around grapes due to that crop's extreme sensitivity. Extra attention is paid to the issuance of fumigant permits. Site visits are made before any permits are written for fumigants, and in the case of methyl bromide, a work site plan must be completed as per regulations. For methyl bromide jobs, accurate acreage of fumigation sites is determined with the use of GPS technology.

Agricultural biologists continue to utilize the Ag GIS permit program for permit and operator identification number issuance and renewal. By continuing to use Ag GIS, ag biologists will continue to work with growers to accurately identify field boundaries and attribute them to their permit or Op ID. The program will generate an accurate map for all sites listed on RMP's and Op ID's. The Napa CAC will provide input during the development of the new permit program that is being developed jointly by DPR and the California Agricultural Commissioner and Sealers Association.

Schools, daycare centers, hospitals and eldercare facilities are identified on the maps. Biologists can bring to the attention of the growers the proximity of these sensitive locations to their sites. The aerial photography gives the biologist an opportunity to accurately assess with the grower the surrounding environment and to identify any other sensitive sites. The use of aerial photography may aid in identifying previously unknown hazards. Greater permit restrictions would be mandated, or the permit would be denied, if a newly identified hazard could not be mitigated.

Program Strengths

- An experienced, committed PUE staff that will accurately evaluate sites for compliance with CEQA requirements prior to RMP issuance.
- Use of an annual in-house PUE meeting for review and training on RMP issuance prior to permit renewal season.

- The use of GIS technologies to accurately assess maps for restricted materials in relation to sensitive sites, including schools and daycares.
- The use of GPS/GIS technologies, laser rangefinders and other measuring devices to accurately assess acreages, and distances to dwellings and other sensitive locations prior to fumigation permit issuance.
- A staff that includes members with varying educational and work backgrounds, Spanish language skills, as well as biologists who bring insight and experience from their work in other counties.

Goal or Objective

The goal of the Napa County Agricultural Commissioner's Office is to accurately evaluate restricted material permit applications and issue or deny permits following the requirements outlined in DPR's Restricted Materials and Permitting, Pesticide Use Enforcement Program Standards Compendium Volume III.

Measure of Success

A method to measure the success of the permit issuance process is to have an annual evaluation of the program. This evaluation should point out deficiencies in the program and highlight areas that need further improvement. This evaluation will include an analysis of non-compliances, complaints and illnesses associated with restricted materials applications. Because of Napa County's relatively low use of restricted materials, very few illnesses or complaints have been associated with such applications over the years. In addition, soliciting ideas from staff and our Enforcement Branch Liaison (EBL) will be the key to future improvements.

Site Monitoring Plan

The Napa CAC prioritizes site monitoring for planned restricted material applications based on the potential for the chemicals to cause harm to the environment or human health. In the 2008-2009 fiscal year, the Napa CAC received 153 ag use NOI's. Pesticides for which NOI's were received in 2008-2009 include the following: aluminum phosphide, Vikane, paraquat, strychnine, 1,3-dichloropropene, methyl bromide, and the Section 18 material Checkmate. 28 NOIs were received for Checkmate, a vine mealybug mating disruption pheromone which comes in a plastic dispenser that is hung in the vineyards. Seven pre-application inspections were completed on 125 notices of intent submitted that did not include Checkmate. That equates to a performance of 5.6% pre-application inspections on NOI's submitted. These inspections were conducted on NOI's submitted for herbicides, rodenticides, and 1,3-dichloroprene applications among others.

While pre-application and application inspections are performed on the use of a broad spectrum of pesticides requiring NOI's, a major emphasis is placed on monitoring fumigant applications. Site visits are made before any permits are written for fumigants, and in the case of methyl bromide, a work site plan must be completed. Accurate acreage of fumigation

sites is determined with the use of GPS technology. All fumigation applications sites are monitored with special attention paid to jobs in the most sensitive areas. Since there was only one fumigation company registered to work in Napa County, we did not document each application with an inspection. In 2008-2009, four such fumigation application inspections were conducted on nine NOIs received.

Pre-application inspections are performed on all 2,4-D NOI's to assess any potential impact to grapes from such applications, since grapes are highly sensitive to 2,4-D. If applications are timed incorrectly, there is a greater potential for crop damage. If grapes are leafing out or bud swell is imminent, 2,4-D NOI's are denied and appropriately documented in the NOI denial binder.

Program Strengths

- Use of GPS for analysis of fumigation site acreages for buffer zone verification accuracy.
- Ability to evaluate sites for sensitive locations (schools, hospitals, etc.) using GIS technologies prior to field inspections.
- Use of anemometers to evaluate meteorological conditions at the time of pesticide applications.
- Utilization of experienced staff to train and mentor newly hired biologists.
- A staff that includes members with varying educational and work backgrounds as well as biologists who bring insight and experience from their work in other counties.

Areas Needing Improvement

- Better documentation of site monitoring activities by completing pre-application inspections.

Goal or Objective

A commitment will be made to implement measures and use appropriate technology to ensure a site-monitoring plan that takes into consideration pesticide hazards, local conditions, and permittee and pest control business compliance histories. Restricted material applications at the ag/urban interface will be carefully monitored. Priority of monitoring will be given to applications of materials, such as fumigants, that have a greater potential to cause harm to workers or the public. Priority will also be given to applications of materials, such as 2,4-D, that have the potential to harm crops or private property if not applied appropriately. A goal has been set to conduct pre-applications on at least 9% of all NOI's received; well above the DPR mandated 5% and the amount done in 2008-2009.

Measure of Success

A measure of success of a monitoring plan would include the tracking of the percentage of pre-application and application inspections per NOI. The focus would be on materials with the greatest potential for causing human health problems, or environmental or property damage, taking into account the conditions at each site. A continual evaluation of the

program will undoubtedly point out areas of strengths and deficiencies. Adjustments to the program can occur continually to correct any deficiencies.

B. COMPLIANCE MONITORING

Comprehensive Inspection Plan

Each year, the Napa CAC develops an inspection assignment program for staff assigned to perform PUE inspections. Numbers of inspections are assigned to each biologist based on experience in the program and the time available to work in PUE. Work on weekends as well as early mornings and evenings allow for a broader targeting strategy and will give us contact with pesticide applicators that don't typically operate during the week or in daylight hours. Surveillance on weekends focus on both ag and non- ag pesticide applicators. The implementation of a weekend inspection program, as well as inspection activity in the early morning and evenings, make it clear to growers and PCBs that they must be in compliance at all times, and that inspections will be conducted during periods other than normal business hours on weekdays.

For 2009-2010, ag biologists will continue using the AIRS electronic inspection program developed by Statewide Soft. All biologists who conduct PUE inspections use a tablet PC loaded with the program software and a portable printer. The program allows biologists to produce and print a complete, legible inspection document in the field. Each inspection will be downloaded to a database on return to the office. While in the field, each biologist will have access to the database on their tablet PC and can check on the compliance history of the growers they are inspecting. Staff will be able to query the database in numerous ways to check for non-compliance trends by specific violated code sections. Over time, such queries will provide information to allow for adjustments to the PUE program with the goal of increasing grower and business compliance.

When violations are discovered during records and field inspections, appropriate, timely follow-ups are conducted to make sure the violations have been corrected. Field inspections with non-compliances often lead to the scheduling of records inspections to assess overall compliance with laws and regulations. In the case of records inspections, another records inspection is conducted the following year with the grower or businesses to determine if compliance is still being met following the initial correction of the violation from the first inspection. Compliance or enforcement actions are taken when violations are discovered in accordance with the Enforcement Response Regulations which will be discussed in further detail in more detail in the Enforcement Response section of this document.

Records Inspections

Each biologist is given an alphabetical portion of the county's list of Op ID's and RMP holders in proportion to the individual inspection assignment numbers. The focus for these inspections is on operators with pesticide handler employees, restricted materials permits, and poor compliance records. Small growers without employees are given a lower priority unless problems with compliance are known or suspected. Regarding records inspections for

PCBs for 2009-2010, a review of frequency of inspection was conducted for all PCBs, as was done for 2008-2009. A major emphasis for 2009-2010 will be assessing grower and PCB compliance with the revised Notification and Hazard Communication Regulations and a continual review of compliance with respirator regulation implementation and record keeping. Outreach regarding these revised regulations will be directed through continuing education classes; the Napa County Ag Commissioner's website; and the *Ag Rag* newsletter.

Field Inspections

Biologists are given assignments to complete a certain amount of agricultural application, mix/load, and fieldworker safety inspections. These application inspections are handled in a random fashion. Biologists are encouraged to travel all of the side roads of Napa County, not just Highway 29 and the Silverado Trail, the two main north-south arteries. Fieldworker safety inspections are targeted based on knowledge of recent pesticide applications through inspections, pesticide use report reviews or visual clues of recent applications. Biologists share with each other at formal and informal in-house meetings their knowledge of growers and businesses to watch. Special attention will also be paid to small growers that may be operating with little regulatory contact from our office and who are in need of direction and assistance to establish and maintain compliance with regulatory requirements.

Continually educating pesticide users of their responsibilities in worker safety is a strategy to aid in the reduction of non-compliance rates and can be done through various outreach mechanisms. Education is facilitated through the department website, *The Ag Rag* newsletter, and at our yearly continuing education classes conducted in both English and Spanish. Additional outreach regarding ag commissioner resources and responsibilities is conducted by our two Spanish speaking staff at health fairs facilitated by local clinics for the community and individual growers.

Licensing Issues

Napa CAC worked with DPR to hold a special QAC licensing exam for the new subcategory "P" required those in the winery industry who use the federally restricted Snowden Enterprises Fruit Doctor SO₂ pesticide. The exam was held in March 2009 at the Napa Valley Exposition in Napa and over 100 examinees took part from Napa and surrounding counties. Since October 2008 when counties became aware of the federally restricted status of the Fruit Doctor SO₂ pesticide, Napa CAC has issued over 215 operator identification numbers. There are over 150 Napa County-based QAC holders with subcategory "P". Outreach on the issue will continue with wineries in 2010.

Program Strengths

- A staff that includes members with varying educational and work backgrounds, Spanish language skills, as well as biologists who bring insight and experience from their work in other counties.
- Use of frequent in-house PUE meetings for sharing of information.
- An effective inspection strategy for records inspections targeting growers with employees and restricted materials.
- The use of GIS technologies to accurately assess maps for restricted materials in relation to sensitive sites.
- The use of an electronic NOI log to make inspections of restricted material applications more efficient.
- An organized method of logging inspections in a monthly Excel spreadsheet and making the spreadsheet and copies available in a binder for biologist review. Copies of inspections are also placed in grower and pest control business files.
- Making staff available to the EBL for oversight inspections and training.
- The use of continuing education meetings in English and Spanish to inform growers and their employees of common non-compliance trends and other pesticide regulatory information.
- Dissemination of important information through The Ag Rag newsletter and the department website. Information on the website has also been translated into Spanish.
- Participation and support of the Napa County Farm Bureau's agricultural field day training

Areas Needing Improvement

- Conduct follow-up monitoring inspections with growers and businesses to determine if non-compliances are part of a trend or an aberration.
- Conduct follow-ups in a more timely fashion. Review with biologists the importance of follow-ups and provide more supervisory overview to make sure that they are completed.

Goal or Objective

A commitment will be made to continually implement a comprehensive compliance inspection plan to ensure pesticide uses are adequately monitored throughout the county. The goal will be accomplished by continual biologist training and refresher training in effective inspection strategies, information sharing within the department, and the use of all available technologies including GIS and GPS equipment. Implementing a system of appropriate and timely follow-ups would also lead to the accomplishment of this goal.

Work Plan

The following table illustrates the work plan goal we developed for 2009-2010. The internal numbers are developed as an incentive for biologists to do their inspection work. The goal numbers are subject to adjustment to meet the needs of any changing conditions with pest outbreaks, staffing availability, or new pesticide monitoring needs identified by CAC or DPR.

2009-2010 Inspection Work Plan

INSPECTION TYPE		GOAL
APPLICATION		132
AGRICULTURAL		122
<i>use A</i>	GROWER	64
<i>use A</i>	PCO	58
STRUCTURAL		10
<i>str A</i>	BRANCH 2/3	10
FIELD WORKER (<i>preap B</i>)		40
MIX/LOAD		20
<i>use B</i>	GROWER	10
<i>use B</i>	PCO	10
<i>use B</i>	BRANCH 2/3	0
FUMIGATIONS		17
	FIELD	6
	COMMODITY	1
	STRUCTURAL (Branch 1)	10
RECORDS INSPECTIONS		271
<i>rec A</i>	GROWER	140
	OTHER (Gov, Golf, Misc)	3
<i>rec B</i>	DEALER	3
<i>rec D</i>	ADVISOR	21
<i>rec A</i>	AG PCB HQ	38
<i>rec C</i>	AG PCB BUSINESS	38
<i>rec A</i>	MG PCB HQ	10
<i>rec C</i>	MG PCB BUSINESS	10
<i>rec B</i>	STR HQ	4
<i>rec D</i>	STR BUSINESS	4
TOTALS		480

The PUE deputy and ag biologist IV consult with biologists on their inspection activities. Direction is provided for records inspection and monitoring inspection targeting strategies at scheduled in-house PUE meetings. More individual training on inspection strategies for less experienced staff will be handled by the deputy, ag biologist IV, and other experienced ag biologists. The deputy and biologist IV as well as the DPR EBL accompany newer staff on unfamiliar or difficult inspections. Inspection activities will be targeted to growers/businesses with employees or with a history of non-compliances. The deputy reviews all inspections prior to their logging for PRAMR purposes and discusses with the inspecting biologist any follow-up needs and any potential compliance or enforcement actions necessary.

Measure of Success

The ultimate measure of success would be a decrease over time in the non-compliance rates documented during inspections, as well as a decrease in pesticide episodes and complaints. Statistics themselves do not tell the whole story, however. A continual evaluation of the site monitoring plan by management and staff, with input and direction from the EBL, will lead to the best program possible. Another measure of success would be having a plan in place that is flexible enough to change in response to unexpected pesticide trends or pest outbreaks.

Investigative Response and Reporting

Initiation

Napa CAC has instituted a very detailed investigative reporting structure for handling common pesticide complaints, illness investigations and priority episodes. Napa CAC strives to initiate all investigations in the timeliest manner possible. The county rarely performs priority investigations, but when informed of an episode that could turn into a priority; we initiate the first steps of the investigation immediately in accordance with the US EPA/DPR/CACASA Cooperative Agreement and follow the time frames set forth. Napa CAC will submit to DPR a request for a time extension if the investigation cannot be completed by the date determined because of the necessity of obtaining additional information. Time extension notifications will also be provided for non-priority investigations as well.

Biologists prepare a plan before initiating any investigation. A list of questions is developed for involved parties, supervisors and any witnesses. If the case involves pesticide drift or some other pesticide contamination, a plan for sampling is developed following the procedures outlined in the DPR's Investigative Sampling Manual. Biologists can utilize one of the county's two sampling kits; they check to make sure all necessary sampling supplies are available prior to going to the field. Prior to commencing any sampling, the EBL is consulted on the issues of the case. Samples are only taken during investigations when there is the potential for an enforcement action, and the sampling process is not initiated until the EBL gives the authorization.

Documentation

All pesticide complaints are investigated and documented. For basic complaints about odors, or neighbor disputes in which no violations are discovered, a simple electronic complaint form is used. The form provides space for complainant information, nature of the complaint and the documentation of the CAC field response. The complaints associated with growers or businesses are kept in the appropriate files. Miscellaneous complaints that cannot be attributed to any grower or organization are kept in a "miscellaneous complaints" file. All complaints are logged in the Excel spreadsheet where inspections and compliance actions are tracked.

Napa CAC follows the procedures and guidelines laid out in the Pesticide Episode Investigation Procedures Manual (PEIPM) when conducting investigations relating to pesticide illnesses and environmental or property damage incidents.

Routine antimicrobial illness investigations are conducted with the affected party and the employer, and all of the information required by the PEIPM is obtained and documented on the Antimicrobial Exposure Episode Report form. DPR Antimicrobial Information Leaflets are sent to employers to inform them of their regulatory requirements.

For illness investigations other than those involving antimicrobials, a more thorough investigation is conducted. Affected parties are interviewed, usually separately from their employer or supervisor. The county's two bilingual staff members assist with or conduct the interviews when the exposed party is a Spanish-speaking individual. When necessary, the assistance of the County Health Officer is solicited while conducting illness investigations. In many cases, a full records inspection is conducted with the grower or pest control business. An attempt is made to determine how the potential pesticide exposure occurred. Worker training, personal protective equipment usage, and pesticide label issues are all addressed to determine if a violation of the pesticide label or applicable laws or regulations occurred. The same general procedure is followed for pesticide episodes involving contamination or damage to the environment or public/private property.

Once all of the information is collected, the investigative report is written. Napa CAC uses a detailed, formal investigative report format. The format includes a summary of the incident and provides lists of the investigators, the violations discovered, and attachments. Witness statements are integrated with a chronological presentation of the investigator's observations with reference to all of the attachments. Following the observation section is a compliance history and the findings of the investigation. The report will be the foundation for any compliance or enforcement actions to follow.

Program Strengths

- Response and documentation of all general pesticide complaints.
- Development of investigation plans.
- Completion of thorough investigative reports.

Areas Needing Improvement

- Try to balance the need for quality of reports with the timeliness issue.
- Better utilize "elements of the violation analysis" techniques during the investigation process.
- Need to do a better job of keeping the EBL informed of the progress of investigations.

Goal or Objective

A commitment will be made to implement an investigation response plan to ensure that all investigations are completed in a timely manner with accurate and supportive information.

Measure of Success

The best way to measure success is in the timely submittal of investigations to DPR. We have streamlined our investigative report format for the more basic investigations which should help biologists complete their write-ups easier and quicker. Another way to measure success is to evaluate the number of investigations returned for lack of completeness. During 2008-2009, no investigations were returned by the Worker Health and Safety branch.

C. ENFORCEMENT RESPONSE

Enforcement Response Evaluation

The Napa CAC assesses the results of all inspections and investigations for the appropriate enforcement response. The investigating biologist first researches the compliance history of the grower, business or agency. Compliance histories can be checked by reviewing the Excel spreadsheet log maintained for all inspections. Copies of inspections are kept by fiscal year in a binder with the spreadsheet and also in a compliance sleeve in the grower/business file. The biologist would then refer to the Enforcement Response Regulation (ERR) to see where the violation would fit in the enforcement response hierarchy. Following discussion with the biologist IV, the inspecting biologist would make a recommendation to the deputy as to what type of response would be appropriate according to the ERR. In most cases, the assistant agricultural commissioner is consulted as well.

The ERR classifies non-compliances as Hazard or Effect Violations (HEV) or Unclassified Violations (UV). For fine purposes, HEV's are further broken down into Class A (serious; \$700-\$5,000) Fines and Class B (moderate; \$250-\$1,000) Fines. Class A fines are employed for violations that create an actual health or environmental hazard. For Class A violations, the CAC will consider formal referral to the District or City Attorney or Circuit prosecutor. Class B fines are for violations that pose a reasonable possibility of creating a health or environmental effect. For Class B violations, the CAC will consider initiating communication with the District or City Attorney or Circuit prosecutor. UV's carry Class C (minor; \$50-\$400) Fines and are reserved for violations that do not threaten health, property or the environment. The ultimate fine level within the class is determined by assessing the respondent's compliance history, the amount of cooperation during the investigation and the level of harm or damage done to persons, the environment or property.

If the inspected party has had a clean compliance history for the past two years, and the non-compliances noted during an inspection are UV's that are corrected on site, the biologist will contact the permittee concerning the infraction. In cases where the violation did not threaten health, property or the environment, the non-compliance checked on the inspection form could serve as the method of documenting the issue or a Warning Letter or Violation Notice could be issued. For subsequent UV incidents, Enforcement Actions, including the levying of fines, may be proposed.

For first incident infractions of an HEV-B, a Compliance Action would be issued or an Enforcement Action proposed. Compliance actions would include Warning Letters,

Violation Notices or Documented Compliance Interviews. All Warning Letters and Violation Notices are reviewed by Deputy and given final review by the Assistant Agricultural Commissioner prior to mailing. A Documented Compliance Interview is an informal meeting between someone with compliance issues and members of the CAC staff, with the purpose of coming to an understanding of what is required to be in compliance. A document outlining what was discussed at the meeting is produced and signed by all in attendance. If a compliance action is issued, a Decision Report (DR) would need to be completed and submitted to DPR to justify why a fine was not proposed. All subsequent HEV-B violations, an Enforcement Action would be proposed. Following the ERR implementation, Napa CAC modified DPR's DR template to make the document more useful and understandable. Some of the changes made by Napa CAC modified version have been adopted by DPR for statewide distribution.

For all HEV-A violations, an enforcement action is required. Examples of commonly used enforcement actions are: Agricultural Civil Penalties (ACP); Structural Civil Penalties (SCP); revocation or suspension of county registration; and refusal, revocation or suspension of a restricted materials permit. An ACP includes the proposal of a fine. Violations identified on an inspection would trigger a thorough investigation as discussed earlier in the Investigative Response and Reporting Improvement section. Evidence that supports each element of a violation would be documented in the report. The findings in the written investigative report serve as the foundation for a civil penalty action. Since an ACP includes the proposal of a fine, respondents must be afforded their due process rights. Along with the Notice of Proposed Action (NOPA), a copy of the investigative report is sent to the respondent. They may pay the proposed fine or request a hearing and present evidence on their own behalf with the intent to disprove alleged violations.

Napa CAC will provide input into the ERR revision process that is ongoing and will apprise ag biologists of the changes and provide training on the application of the regulation for optimum case development.

During the 2008-2009 fiscal year, Napa CAC issued 3 fines. The total amount of fines imposed for the fiscal years was \$2,000.00. Of those 3 NOPA's, there were no hearings requested.

Program Strengths

- Development of a thorough investigative report to serve as the foundation for the ACP.
- Placement of fines at appropriate levels, based on the circumstances of the case.
- Use of post-hearing, debrief sessions to evaluate the strengths and areas of needed improvement in case development and hearing performance.

Areas Needing Improvement

- Need for more training in case preparation, witness preparation and advocate/hearing officer skills.

- Improve communication among biologists, deputy and assistant commissioners during case preparation and NOPA development.
- Utilize the DPR Enforcement Branch more effectively when developing cases.
- Utilize District Attorney more effectively when working on difficult or high profile cases.

Goal or Objective

A commitment will be made to continue to assess each violation found during inspections and investigations, and take actions in accordance with the ERR.

Measure of Success

The ultimate measure of success of the enforcement program is the reduction over time of serious non-compliances that justify the issuance of compliance and enforcement actions. Another measure of success of the program would be the placement of fines at appropriate levels based on the circumstances of each case in accordance with the ERR.